

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A  
JUDGE, NO. 04-47

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Supreme Court Case No.:

**FINDINGS AND RECOMMENDATIONS OF THE INVESTIGATIVE PANEL**

This matter is before the Investigative Panel of the Florida Judicial Qualifications Commission pursuant to Rule 6(j) of the Commission upon the factual stipulation of the parties and the waiver of further hearing by the respondent.

Upon consideration of the Notice of Investigation and the Stipulation of the parties the Investigative Panel makes the following findings:

- A. The respondent is guilty as charged in the Notice of Formal Charges.
- B. The panel takes a very dim view of the conduct of the respondent in this matter, which involves a serious offense. He in fact sent an implied threat of organized group retaliation because of alleged actions of a fellow judge, and to exacerbate matters sent a copy to a local ethnic bar association. Such conduct is deplorable, and were it not for the respondent's lack of prior disciplinary history and his acknowledgment of his conduct, the panel would consider forwarding this matter for trial and a more severe penalty. The period of suspension would be greater but for the burden placed on the respondent's colleagues.

- C. Considering all the circumstances, the panel respectfully recommends a public reprimand, a fourteen day suspension without pay, a \$15,000.00 fine and a complete and public apology to County Judge Lee Seidman and to the Hispanic Bar Association of Broward County in a form suitable to the Commission.

DATED: This 22nd day of September, 2004.

INVESTIGATIVE PANEL OF THE  
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

By: /s/ Richard C. McFarlain  
Richard C. McFarlain, Chair  
Florida Judicial Qualifications Commission  
1110 Thomasville Road  
Tallahassee, FL 32303-6224  
(850) 488-1581

**Certificate of Service**

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings and Recommendation of the Investigative Panel has been furnished by **United States Certified Mail #7001 2510 0007 6248 6221, Return Receipt Requested**, to Honorable Robert F. Diaz, Broward County Courthouse, County Court Judge, 201 S.E. 6<sup>th</sup> Street, Fort Lauderdale, FL 33301 and by U.S. Mail to James M. Stark, Esq., Counsel to the Respondent, 524 South Andrews Avenue, Suite 304, Fort Lauderdale, FL 33301 on this 22nd day of September , 2004.

/s/ Brooke S. Kennerly  
Executive Director